

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

LISA PUMPHREY, Plaintiff, vs. CINCINNATI INSURANCE COMPANY, a foreign corporation, and MICHAEL DELANEY, individually, Defendants.	CV-05-14-BLG-CSO <u>ORDER DENYING PLAINTIFF'S THIRD MOTION TO COMPEL RESPONSE TO REQUEST FOR PRODUCTION 52</u>
---	--

In its Order filed May 10, 2007 (Court's Doc. No. 100), the Court ruled on three pending motions. In addressing a portion of Plaintiff's Third Motion to Compel Production of Documents (Court's Doc. No. 83), the Court, without the benefit of reviewing them, was unable to determine whether it should compel Cincinnati Insurance Company ("Cincinnati") to produce documents responsive to Plaintiff Lisa Pumphrey's ("Pumphrey") Request for Production ("RFP") 52. Thus, the Court ordered Cincinnati to produce the subject documents, under seal, for *in camera* review.

On May 18, 2007, Cincinnati filed the documents under seal (Court's Doc. No. 103) ("*Defendant's Notice of Conventional Filing of Documents Under Seal*"). Having reviewed the documents *in camera*, the Court concludes that Cincinnati's objection to producing them is well-taken. The documents fall within the work product doctrine. The documents pertain to counsels' mental impressions with respect to the present litigation. Thus, Pumphrey is not entitled to an Order compelling their production.

For the foregoing reasons,

IT IS ORDERED that Plaintiff's Third Motion to Compel Production of Documents (Court's Doc. No. 83) is DENIED with respect to RFP 52.

DATED this 24th day of May, 2007.

/S/ Carolyn S. Ostby

Carolyn S. Ostby
United States Magistrate Judge